REMARKS

The Office Action mailed June 11, 2008 has been received and carefully considered. Claims 1, 6-8, 10, 12-13, 15-21, 23-25, 28-30, 34, 37, 39-43, 45-46, 49-58, 60-65, and 66-78 have been canceled with this amendment. New claims 79-99 have been added. Support for new claims 79-99 can be found throughout the originally filed specification, claims and drawings. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance.

A. Examiner Interview

Pursuant to M.P.E.P. § 713.04, the substance of the interview conducted on July 22, 2008, between Martin R. Bader (Reg. No. 54,736) and the Examiner is set forth below. The June 11, 2008 Office Action was discussed during the Interview as well as paragraph [0016] of the publication of the current application. The Examiner suggested submitting new claims in response to the office action that were directed to some of the subject matter contained in paragraph [0016]. Applicant also explained to the Examiner during the interview that Applicants system provided the caller with a resolution to a request for information during the call. This was distinguished from the system of U.S. Patent No. 5,444,774 (*Friedes*) which only makes a determination as to whether the call should be transferred to an agent. No amendments to the claims were proposed. No exhibits were used or demonstrations conducted. No substantive agreements were reached during the interview.

B. The Rejection of Claims 62 and 65 under § 112, second paragraph

Claims 62 and 65 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which application regards as the invention. While Applicants respectfully disagree with the Examiner, claims 62 and 65 have been canceled. Therefore, the rejection is moot.

C. The Anticipation Rejection of Claims 1, 6-8, 10, 12-13, 15-17, 20-21, 23-25, 28-30, 34, 37, 39-41, 45-46, 49-52, 55-58, 60-69, 71-73, and 75-77

Claims 1, 6-8, 10, 12-13, 15-17, 20-21, 23-25, 28-30, 34, 37, 39-41, 45-46, 49-52, 55-58, 60-69, 71-73, and 75-77 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,444,774 (*Friedes*).

Claims 1, 6-8, 10, 12-13, 15-17, 20-21, 23-25, 28-30, 34, 37, 39-41, 45-46, 49-52, 55-58, 60-69, 71-73, and 75-77 have been canceled. Thus, the rejection will be addressed in view of newly added claims 79-99.

"A claim is anticipated only if ***each and every element*** set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added).

1. *Friedes* Does Not Teach Dynamically Deciding an Additional Query Based upon the Information Already Received from the Requestor and Based Upon Other Existing Data Accessed From an Additional Source

Newly submitted claim 79 recites "dynamically deciding an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source…and providing the caller with a resolution to the request for information from the caller." Additionally, newly submitted independent claim 90 recites "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source; wherein the caller is provided with a resolution to the request for information during the call."

Friedes does not teach or suggest "dynamically deciding an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source," as recited in new independent claim 79. Similarly, *Friedes* does not teach or suggest "wherein the IVR dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source."

Specifically, *Friedes* discloses that "NVRU 204 receives from carrier's database 206 the caller's ANI, the dialed digits and other information to determine the appropriate transaction script to execute in order to collect information from the caller." *See* Col. 6, lines 63-67.

Thus, *Friedes* only determines a specific script that will run for the caller. In *Friedes*, the system simply selects a script and runs it – the choice is based upon the Automatic Number Identification (ANI) or the number that the caller dialed. *Friedes* is a basic system with little flexibility and adaptability. Indeed, in *Friedes* "if during the execution of the script, NVRU 204 received from carder's database 206 (via ACP 203 or in cooperation with ACP 203) a signal indicating that an appropriate attendant is available to service the call, NVRU 204 terminates the execution of the script." Col. 7, lines 3-8. Thus, *Friedes* goal is to collect basic information when an attendant is not available and transfer the call to the attendant as soon as possible. *Friedes* does not ask a first query and subsequently, "dynamically decides an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon the other existing data pertaining to the requestor that has been obtained from an additional source," such as claimed by Applicant.

Thus, Applicant respectfully submits that *Friedes* does not teach or suggest "dynamically deciding an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed from an additional source." Therefore, *Friedes* does not anticipate Applicant's newly submitted claims and the rejection is overcome.

1. *Friedes* Does Not Teach Providing the Caller with a Resolution to the Request for Information from the Caller During the Call Based Upon the Unit of Work Record

Applicant's canceled claims recited "generating a decision pertaining to said requestor's request based upon the contents of said unit of work record while still in contact with the requestor." The Examiner alleges in the Office Action that *Friedes* describes this element because at col. 3 lines 3-19 and col. 8 lines 40-57 a decision is generated to route requestor to appropriate attendant according to unit of work record. While Applicant disagrees with the Examiner's position, Applicant's new claims recite "providing the caller with a resolution to the request for information from the caller during the call based upon the unit of work record."

As the Examiner states, *Friedes* is making a decision whether or not to transfer a call to a live agent. *See* Office Action at page 3. In stark contrast, Applicant's "system provides the caller with a resolution to the request for information during the call based upon the unit of work record." For example, the system can make a determination whether or not to increase a line of credit. As described above, the system of *Friedes* is simply monitoring for when a live agent becomes available and immediately transfers the call – this does not provide the caller with "a resolution to the request for information from the caller during the call."

Furthermore, the decision to transfer the call in *Friedes* is not based upon the unit or work record, but it is based upon when an agent becomes available. Thus, *Friedes* does not teach or suggest "providing the caller with a resolution to the request for information from the caller during the call ***based upon the unit of work record***."

Therefore, Applicant respectfully submits, for at least the reasons stated above, that *Friedes* does not anticipate the newly submitted claims and that the present rejection is overcome.

C. The Obviousness Rejection of Claims 18-19, 42-43, 53-54, 56-57, 70, 74 and 78

Claims 18-19, 42-43, 53-54, 56-57, 70, 74 and 78 stand rejected under 35 U.S.C. § 103(a), as allegedly being obvious in view of the combination of U.S. Patent No. 5,444,774 (*Friedes*) and U.S. Patent No. 5,239,462 (*Jones et al.*).

Claims 18-19, 42-43, 53-54, 56-57, 70, 74 and 78 have been canceled. Thus, the rejection will be addressed in view of newly added claims 79-99.

Jones was cited by the Examiner for disclosing credit history and scoring information. While Applicant's disagree that *Jones* and *Friedes* is a proper combination of references, in view of Applicant's newly submitted claims the rejection is moot.

Specifically, as described above, *Friedes* does not teach or suggest a number of the elements of Applicant's newly submitted claims. *Jones* likewise does not teach or suggest "dynamically deciding an additional query to ask the requestor during the call based upon the information already received from the requestor and based upon other existing data accessed

from an additional source…and providing the caller with a resolution to the request for information from the caller during the call based upon the unit of work record."

Therefore, Applicant respectfully submits that the obviousness rejection is overcome and newly submitted claims 79-99 are in condition for allowance.

CONCLUSION

Applicants respectfully submit that the above amendments and remarks place the pending claims in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If there are any outstanding issues, the undersigned can be reached directly at (858) 458-3011.

Applicants hereby petition for a three-month extension of time under 37 CFR 1.136(a). Applicant is concurrently submitting (via EFS) the requisite fee(s) associated with this communication. Nonetheless, in the event that the U.S. Patent and Trademark Office requires additional fees to enter and/or consider this Response, or to prevent abandonment of the present application, please charge such fees to the undersigned's Deposit Account No. 50-2613.

. Respectfully submitted,

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